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August 2, 2022

VIA ECF

Hon. Denise L. Cote
United States District Court
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: *Gardner v. Sensio, Inc.*, Case No. 1:22-cv-04666-DLC

Dear Judge Cote:

On behalf of all Parties, we write to respectfully request an approximately one-month adjournment of the Initial Pretrial Conference set for August 11, 2022 at 3:30 p.m.

The reason for this request is that on July 29, 2022, Defendant Sensio Inc. filed a motion to dismiss the complaint, or in the alternative, strike the nationwide class allegations pursuant to Rule 12(b)(1), 12(b)(6), 12(f) and 23(d)(1)(D). Pursuant to the Court's August 1, 2022 Order (ECF 17), Plaintiff has until August 19, 2022 to amend the complaint, or alternatively, file an opposition to the motion to dismiss. Given the status of the pleadings, the parties believe it is prudent to reschedule the Initial Pretrial Conference until after Plaintiff has made the election to either amend the complaint or oppose the motion to dismiss.

All parties in this action, Plaintiff Gardner, and Defendant Sensio Inc., have all consented to this request.

Counsel for the parties are available for a rescheduled Initial Pretrial Conference on the following Fridays: September 9, 16, 23 and 30.

The August 11, 2022 initial pretrial conference is rescheduled to September 23, 2022 at 2:00 p.m. So ordered.



August 4, 2022.

Respectfully submitted,

/s/ Marie N. Appel

Marie N. Appel

cc: All counsel of record (via ECF)